

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 09 2006

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

COY PHELPS,

Plaintiff - Appellant,

v.

ANTI-DEFAMATION LEAGUE; et al.,

Defendants - Appellees,

No. 05-17277

D.C. No. CV-04-02815-MHP

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Marilyn H. Patel, District Judge, Presiding

Submitted June 5, 2006**

Before: CANBY, T.G. NELSON and KLEINFELD, Circuit Judges.

A review of the record and the opening brief indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). Accordingly, appellees' motion for summary affirmance of the district court's judgment is granted.

AFFIRMED.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).